

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2011-92-T - ORDER NO. 2011-429(A)

JULY 7, 2011

IN RE: Application of Xtreme Moving & Storage, LLC for the Transfer of Certificate of Public Convenience and Necessity No. 100H from 21 st Century Holdings, LLC d/b/a Chavis Moving & Storage Company)	AMENDED ORDER TRANSFERRING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
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On June 16, 2011, the Commission issued Order No. 2011-429, which was intended to grant the relief sought by the Applicant. However, Order No. 2011-429 did not explicitly authorize the Applicant to do business in South Carolina under the name "Xtreme Moving." Furthermore, the Applicant moved that the Commission issue an order waiving application of S.C. Code Ann. Regs. 103-135(4), and the Commission granted the requested waiver from the bench. Order No. 2011-429 has accordingly been amended herein to clarify these rulings, but remains otherwise unchanged.

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the Application of Xtreme Moving & Storage, LLC ("Transferee" or "Xtreme"), whereby the Transferee seeks certain relief in the nature of the approval of the transfer of the Certificate of Public Convenience and Necessity No. 100-H from 21st Century Holdings, LLC d/b/a Chavis Moving & Storage Company ("Transferor" or "Chavis") to Xtreme. Transferee also seeks to do business in South Carolina as "Xtreme Moving."

Subsequent to the initiation of this proceeding, the Commission Staff instructed that a Notice of Filing be published in certain newspapers of general circulation in the State of South Carolina. The Notice of Filing indicated the nature of the Application and advised all interested parties desiring to participate in the proceeding of the manner and time in which to file the appropriate pleadings. The required Notice of Filing appeared in *The Greenville News* on March 11, 2011, *The Post and Courier* on March 8, 2011, and *The State* on March 10, 2011. Subsequently, no protests or Petitions to Intervene were filed with the Commission.

A hearing on the Application was held on June 1, 2011. The Honorable John E. Howard, Chairman, presided. Present representing the Transferee was Scott Elliott, Esquire. Appearing on behalf of the Office of Regulatory Staff (“ORS”) was Jeffrey M. Nelson, Esquire.

At the outset of the hearing, counsel for Xtreme moved for an order of the Commission waiving S.C. Code Ann. Regs. 103-135(4). The Transferor, after entering negotiations with Xtreme, began to wind down its business and ceased making any moves of household goods. As a result, Xtreme was unable to prove 12 months of continuous operation prior to the filing of the Application herein. Counsel for the ORS advised the Commission that the circumstances were appropriate for a waiver of the regulation and offered no objection to the motion to waive the regulation. Enforcing the regulation under the circumstances in this docket would cause unusual hardship or difficulty on the parties, and the Commission granted the waiver of regulation 103-135(4).

Testifying for Xtreme at the hearing were Richard Hooker, Tracey Simmons, and Lloyd Griffin, III. Testifying for the ORS was George Parker.

The Transferee is a Georgia Limited Liability Company authorized to do business in South Carolina. Richard Hooker, president/general manager of Xtreme, testified as to his educational background and work history. In particular, Mr. Hooker testified that, prior to joining the Transferee's moving business in the State of Georgia in 2009, he worked for 19 years in the moving industry. Mr. Hooker testified that the Transferee was in good standing with Georgia Public Service Commission as well as the Better Business Bureau. Mr. Hooker described Xtreme's business operations in the State of Georgia and the Transferee's near term business plan for South Carolina. Ms. Simmons testified as to her educational background and business experience. In particular, Ms. Simmons is the owner (or Principal) of Xtreme and functions as the financial officer and human resources officer for the Transferee. Ms. Simmons additionally testified as to the benefits offered to Xtreme's employees. Both witnesses testified as to their understanding of the need to abide by the rules, regulations, and orders of the Commission.

Also testifying was Lloyd Griffin, III, owner of the Transferor. Mr. Griffin testified to his operation of Chavis Moving and Storage Company since receiving its Certificate of Public Convenience and Necessity and his desire that the Commission grant the Application for transfer in this docket.

Also testifying was George Parker, Program Manager of the ORS Transportation Department. Mr. Parker testified to his familiarity with the operations of the Transferor

and the ORS's investigation of the Application under consideration. This witness also testified that ORS had no objection to the Application for transfer.

Upon consideration of the merits of the Application, the testimony and the documentary evidence attached thereto, together with the testimony of the witnesses, the Commission finds that: (1) the transfer of the Certificate will not adversely affect the service to the public authorized by said Certificate; (2) the Transferee is fit, willing, and able to perform such service to the public under said Certificate; and (3) service under said Certificate has been continuously offered and reasonably provided to the public up to the time of filing of the Application.

The Commission also finds and concludes that the proposed transfer of the Certificate from the Transferor to the Transferee is in the public interest, and that the relief sought in the Application for transfer should be approved.

1. IT IS THEREFORE ORDERED: That the requested waiver of application of S.C. Code Ann. Regs. 103-135(4) be, and hereby is, granted.
2. That the proposed transfer of Certificate of Public Convenience and Necessity No. 100-H from the Transferor to the Transferee be, and hereby is, approved.
3. That the request of Xtreme Moving & Storage, LLC for approval to do business as Xtreme Moving is hereby granted.
4. That Xtreme file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (Supp. 2010) and by S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2010) of the Commission's Rules and Regulations for Motor

Carriers within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

5. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. and the applicable provision of S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, a Certificate shall be issued to Xtreme authorizing the motor carrier services granted herein.

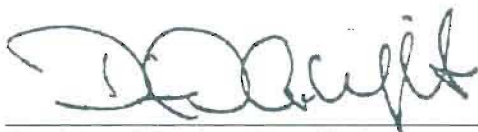
6. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



John E. Howard, Chairman

ATTEST:



David A. Wright, Vice Chairman
(SEAL)